

REMARKS

Claims 6, 7, 9, 10, 15, 16, 18, 19, 22, 23, 25-29 and 34-36 have been cancelled and said cancellation is without prejudice or waiver.

Claims 1-5, 8, 11-14, 17, 20, 21, 24, 30-33 and 37 are currently pending.

Claims 1-5, 8, 11-14, 17, 20, 21, 24 30-33 and 37 have been examined in this application.

Claims 1-5, 8, 11-14, 17, 20, 21, 24, 30-33 and 37 were previously presented.

THE CLAIM OBJECTIONS/REJECTIONS UNDER DOUBLE PATENTING

Claims 1-5, 8, 11-14, 17, 20, 21, 24, 30-33 and 37 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,166,424; claims 1-6 of U.S. Patent No. 7,306,914; claims 1-18 of U.S. Patent no. 6,428,951, if necessary, in view of Ormo, et al. (Science. Vol.273:1392-1395; 1966); and claims 1-23 of U.S. Patent no. 6,929,916, if necessary, in view of Ormo et al (Science. Vol.273:1392-1395; 1996).

Additionally, claims 1-5, 8, 11-14, 17, 20, 21, 24, 30-33 and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 11/656,543 in view of it necessary, in view of Ormo et al. (Science, Vol.273; 1392-1395; 1966); claims 1, 17, 26 and 35-39 of copending Application No. 11/450,379 in view of if necessary, in view of Ormo et al. (Science. Vol.273:1392-1935; 1996); and claims 9-14 of copending Application no. 11/987,694.

Withdrawal of the double patenting rejection is respectfully requested in view of the

attached terminal disclaimer which disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior Patent Nos. 7,166,424; 7,306,914; 6,428,951; and 6,929,916; and the full statutory term of any patent granted on commonly owned pending reference Application Number 11/656,543 filed January 23, 2007; 11/450,379 filed June 12, 2006; and 11/987,694 filed December 4, 2007; as the term of said prior patents is defined in 35 U.S.C. § 154 and § 173, and as the term of said prior patents is presently shortened by any terminal disclaimer and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding office action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

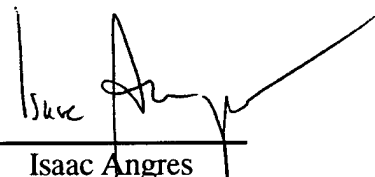
Any amendment to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

In view of the above amendments and remarks, it is respectfully submitted that the claims

are now in condition for allowance. The Examiner is invited to contact the undersigned at 703-418-3777 if he/she feels that further discussion may facilitate the resolution of any outstanding issues.

An early indication of a Notice of Allowance is earnestly solicited.

Respectfully submitted,


Isaac Angres
Reg. No. 29,765

Date: May 10th, 2010
2001 Jefferson Davis Highway--Suite 304B
Arlington, VA 22202
(703) 418-3777
Oddy 004CIP1M